

# EXHIBIT 11

AGREED MOTION  $\frac{1}{2}$

STIPULATION TO EXTEND

AMERICAN EQUITY ANSWER

DATE FILED JAN. 9, 2012

IN FR. CNTY. OHIO CPC CASE 11-CV-12667

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IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

SIDNEY LEWIS, et al.,	:	Case No. 11 CVB 10 12667
	:	
Plaintiffs,	:	Judge: Richard S. Sheward
	:	
v.	:	<b>AGREED MOTION AND STIPULATION TO</b>
	:	<b>EXTEND AMERICAN EQUITY ANSWER</b>
	:	<b>DATE</b>
ADDISON INSURANCE	:	
MARKETING, INC., et al.,	:	
	:	
Defendants.	:	

Defendants American Equity Investment Life Insurance Company and American Equity Investment Life Holding Company (jointly, "American Equity"), with the agreement of counsel to Plaintiffs Sidney Lewis and Yvonne D. Webb-Lewis ("Plaintiffs") hereby move to extend American Equity's time to answer or otherwise respond to Plaintiffs' complaint an additional 28 days until February 7, 2012. This is the second extension sought by American Equity. The reasons for the extension are as follow:

1. Plaintiffs filed their complaint against American Equity on October 12, 2011.
2. By letter dated October 26, 2011, American Equity, through outside counsel at Skadden, Arps, Slate, Meagher & Flom LLP ("Skadden Arps"), informed counsel for Plaintiffs that the claims asserted in the above-captioned lawsuit had been released by a class action settlement in *Panter v. Tackett*, Case No. 01-CI-02109 (Jefferson County, Kentucky) and demanded that the lawsuit be dismissed immediately. American Equity also provided Plaintiffs' counsel with copies of the relevant pleadings in the *Panter* case, including the Stipulation of Settlement and Order of Final Approval of Settlement. See October 26, 2011 Letter (Ex. "A").
3. On November 11, 2011, Plaintiffs' counsel informed counsel for American Equity that he would review the settlement information from *Panter v. Tackett* and determine whether

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the case should be voluntarily dismissed. Plaintiffs' counsel also agreed to stipulate to a 60-day extension for American Equity to answer the complaint or otherwise plead.

4. On November 16, 2011, American Equity filed a Joint Motion and Stipulation to Extend American Equity's Answer Date 60 days until January 10, 2011. The Court granted the Motion on November 28, 2011.

5. On December 23, 2011, American Equity, through Skadden Arps, sent Plaintiffs' counsel a letter again requesting that Plaintiffs immediately dismiss this lawsuit. American Equity explained that the Plaintiffs' claims were released by *Panter* and that pursuant to the Order of Final Approval of Settlement, the Plaintiffs are permanently enjoined from pursuing released claims against American Equity. American Equity demanded that Plaintiffs dismiss the action on or before December 30, 2011, and advised that if it did not receive confirmation of dismissal from Plaintiffs by December 30, 2011, it would be forced to file a motion to enforce the *Panter* settlement agreement and a motion to show cause why Plaintiffs and their counsel should not be held in contempt of court for violation of the agreement. See December 23, 2011 Letter (Ex. "B").

6. On December 30, 2011, Plaintiffs' counsel, via e-mail and voicemail, requested that American Equity permit him until January 8, 2011, to meet with his clients and determine whether to dismiss this action. American Equity agreed to refrain from filing any motions until after January 8, 2011, on the condition that Plaintiffs' counsel agreed to provide American Equity with an additional 28 days to answer Plaintiffs' complaint or otherwise plead. See December 30-31, 2011 Email Exchange (Ex. "C").

7. On January 8, 2011, Plaintiffs' counsel informed counsel for American Equity that he had determined to withdraw from the case based on a difference of opinion on how to proceed

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and recommended that American Equity contact the Plaintiffs directly. See January 8, 2012

Letter (Ex. "D"). A proposed order is attached hereto.

Respectfully submitted,

/s/ Erika J. Schoenberger

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*Counsel for Defendants*

*American Equity Investment Life Insurance*

*Company and American Equity Investment Life*

*Holding Company*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Agreed Motion and Stipulation was served via regular U.S. Mail this 9<sup>th</sup> day of January, 2012, upon:

Eric L. LaFayette  
415 East Broad Street, Suite 112  
Columbus, Ohio 43215

/s/ Erika J. Schoenberger  
Erika J. Schoenberger

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